

**REMARKS**

Summary of the Office Action

Claims 29-52 were pending in this application.

Claims 29-33, 37, 38, 41-45, 49, and 50 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis U.S. Patent Application Publication No. 2002/0174430 ("Ellis") in view of Asamoto U.S. Patent No. 7,017,179 ("Asamoto") and further in view of Kaminski U.S. Patent Application Publication No. 2002/0199185 ("Kaminski").

Claims 34-36, 39, 40, 46-48, 51, and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Asamoto and further in view of Kaminski and Lajoie U.S. Patent No. 5,850,218 ("Lajoie").

Summary of the Applicants' Reply

Applicants have canceled claims 37 and 49 without prejudice. Applicants have amended claims 29-32, 34, 36, 38-44, 46, 48, and 50-52 and added new claims 53-58 in order to more particularly define the claimed invention. No new matter has been added, and the new claims and the amendments of the claims are fully supported by the originally-filed application (see, e.g., applicants' specification at FIGS. 23-27 and ¶¶ 127-136).

Applicants' Reply

Claims 29-33, 37, 38, 41-45, 49, and 50 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Asamoto and further in view of Kaminski.

Claims 34-36, 39, 40, 46-48, 51, and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Asamoto and further in view of Kaminski and Lajoie. These rejections are respectfully traversed.

Applicants' claimed invention, as defined by amended independent claims 29 and 41, is directed to a method and apparatus for resolving conflicts for series recordings. A first interface screen comprises a plurality of listings of shows that are scheduled for recording. The first interface screen displays a first indication that the scheduled recording of a first show has been canceled. A second interface screen includes a list of a plurality of series and indicates the recording priorities assigned to the plurality of series, wherein a position of each series in the list indicates a relative recording priority. A user request is received to increase the recording priority for a first series such that the scheduled recording of the first show is no longer canceled. In response to the user request, an option to change the position of the first series in the list is displayed.

For example, FIG. 23 shows a recording schedule display screen that may have a no-record icon. FIG. 24 of applicants' application shows the series manager in browse mode. The user selects a displayed series to change priority assigned to the series. In response to the selection of a series in browse mode, prioritize mode is displayed as shown in FIG. 25 which includes a display of options (e.g., "Increase Priority" and "Decrease Priority"). (Applicants' specification at ¶¶ 132 and 133.)

Ellis is directed to a personal video recorder (Ellis, Abstract). Ellis includes a search display screen with icons displayed for programs scheduled to be recorded that may not be recorded due to a conflict (Ellis, FIG. 7). Ellis' FIG. 9 and the corresponding text refer to a program recording setup display screen for a series or show.

Applicants' claims 29 and 41 patentably improve upon Ellis by displaying a second interface screen that includes a list of a plurality of series that indicates the recording priorities assigned to the plurality of series, wherein a position of each series in the list indicates a relative recording priority for the respective series. The Examiner alleges that Ellis shows "selecting the record option from a program information screen and switching [to] the recording setup screen which includes a list of recording priorities available for ... scheduling a program," (Office Action, page 3). However, whereas Ellis' FIG. 9 shows a recording setup display with a recording priority for a particular program or series, applicants' claims display a plurality of series, with indication of each of their respective recording priorities.

The Examiner also alleges that it would be obvious for one of skill in the art to modify Ellis to arrive at applicants' claimed invention. Applicants respectfully disagree.

Applicants respectfully submit that it would not be obvious to modify Ellis' recording setup display to include a list of a plurality of series that indicates the recording

priorities assigned to the plurality of series, wherein a position of each series in the list indicates a relative recording priority for the respective series. First, Ellis and Asamoto assign priorities using separate, and incompatible, methods. In Ellis, the recording priority may be set to "can't miss priority, if possible priority, desired priority, if space available priority, or any other suitable priority," (Ellis, ¶ 221). Since multiple series may have the same priority, Ellis does not assign a different priority to each series as required by applicants' claims. The Examiner alleges this feature is shown in Asamoto. However, one of skill in the art would not look to combine Ellis and Asamoto because the priority settings of Ellis do not render obvious positioning series in a list to indicate a relative recording priority.

Second, one of skill in the art would not combine Asamoto with Ellis because the recording setup display of Ellis includes a plurality of other options for a given series other than just a recording priority. For example, in the recording setup display of Ellis, a user has various options (i.e., select when done 902, quality 904, etc.) for a particular series. It would not be obvious to display multiple series in the recording setup display of Ellis, as the Examiner alleges, because the display screen interface would become unreasonably cluttered, as well as difficult and impractical to use. Thus, contrary to the Examiner's assertions, the combination of Ellis and Asamoto would not allow the user to have "a better viewing experience by recording the most

important shows that the user would like to see in the memory provided," (Office Action, page 4).

Additionally, the Examiner has not established any reason why one of skill in the art would modify Ellis or Asamoto in the manner suggested by the Examiner. As the Supreme Court has recognized, "[i]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (S.Ct. 2007)) and the Examiner has identified no such reason. The only "reason" identified by the Examiner is applicants' result, which (1) is impermissible hindsight, and (2) is a goal and not a reason to make a certain combination to reach that goal.

Further, applicants' claims 29 and 41 patentably improve upon Ellis by displaying, in response to a user selection of a series, an option to change the position of the selected series in the list to modify the recording priority assigned to the selected series. In particular, whereas in Ellis' display screen, a recording priority 916 option to change the recording priority of a series is displayed in the display screen without regard to selection of a series (Ellis, FIG. 9 and ¶ 221), applicants' claims display the option to change priority in response to selection of a series. More specifically, in Ellis the user selects the recording priority option and then scrolls through recording priority settings to change priority and thus a change priority option is not displayed in response to selection of a series. Thus, Ellis

does not show or render obvious each and every limitation of applicants' claims.

Additionally, Asamoto does not make up for the deficiencies of Ellis in that regard. In Asamoto, a chart with a prioritization GUI image is provided wherein a user assigns a priority for each program by pointing to the prioritization input frame and inputting a priority in the pointed input frame using an input device (Asamoto, FIG. 7, col 10, ll. 25-28). Since the arguable change priority options (*i.e.*, the pointed input frame) are displayed with each of the displayed programs (whether or not they are selected), Asamoto does not show or render obvious displaying, in response to a user selection of a series, an option to change priority of the selected series.

Kaminski was cited as allegedly showing other features of applicants' claims and fails to make up for the deficiencies of Ellis and Asamoto relative to the rejection. Therefore, Ellis, Asamoto, and Kaminski, taken alone or in combination, fail to show or render obvious all the features of applicants' claims.

Accordingly, applicants respectfully submit that claims 29 and 41, and claims 30-36, 38-40, 42-48, and 50-58, which depend, directly or indirectly, from claim 29 or 41, are patentable.

#### New Claims

Claims 53-58 have been added in order to more particularly define the claimed invention. Claims 53-58 depend

Application No. 10/604,538  
Reply dated February 13, 2009  
Reply to Office Action of August 19, 2008

variously from patentable claim 29 or 41 and therefore are also patentable.

Conclusion

For the reasons stated above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

/Gall C. Gotfried/

---

Gall C. Gotfried  
Registration No. 58,333  
Agent for Applicants  
ROPES & GRAY LLP  
Customer No. 75563